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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA, )  
 )  
8 Plaintiff, ) Case No. CR05-9 TSZ-BAT  
 )  
9 v. ) **PROPOSED FINDINGS OF**  
 ) **FACT AND DETERMINATION**  
10 SHANE WARREN TOLSON, ) **AS TO ALLEGED**  
 ) **VIOLATIONS OF**  
11 Defendant. ) **SUPERVISED RELEASE**  
 )  
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13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on  
15 September 3, 2009. The defendant appeared pursuant to a warrant issued in this case. The  
16 United States was represented by Darwin Roberts, and defendant was represented by Carol  
17 Koller. Also present was U.S. Probation Officer Joe Mendez. The proceedings were digitally  
18 recorded.

19 CONVICTION AND SENTENCE

20 Defendant was sentenced on June 24, 2005 by the Honorable Thomas S. Zilly for interstate  
21 transportation of stolen property. He received three months of imprisonment and three years of  
22 supervised release.

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PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO ALLEGED  
VIOLATIONS OF SUPERVISED RELEASE - 1

1 PRESENTLY ALLEGED VIOLATIONS AND  
2 DEFENDANT'S ADMISSION OF THE VIOLATION

3 In a petition dated May 8, 2008, U.S. Probation Officer Joe Mendez alleged that defendant  
4 violated the following conditions of supervised release:

5 1. Failing to submit monthly reports within the first five days of every month for the  
6 months of May, June, July, August, September, October, November, December, 2007, and  
7 January, February, March, 2008, in violation of standard condition number 2.

8 2. Failing to meet minimum monthly restitution payments of \$240 for the months of  
9 May, June, July, August, September, October, November, December, 2007, and January,  
10 February, March, 2008, in violation of a special condition of the supervision that he make  
11 monthly installment payments towards his restitution of \$60,000.

12 3. Failing to notify the U.S. probation officer, 10 days prior to any change in residence  
13 or employment, in violation of standard condition number six .

14 4. Committing the crime of residential burglary in Tacoma, Washington, on or about  
15 March 21, 2008, in violation of the general condition that he not commit any federal, state, or  
16 local crime.

17 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
18 and was informed the matter would be set for a disposition hearing September 24, 2009 at 11:30  
19 p.m. before District Judge Thomas S. Zilly. Defendant remains in custody.

20 RECOMMENDED FINDINGS AND CONCLUSIONS

21 Based upon the foregoing, I recommend the court find that defendant has violated the

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PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO ALLEGED  
VIOLATIONS OF SUPERVISED RELEASE - 2

1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 3<sup>rd</sup> day of September, 2009.

3 s/ BRIAN A. TSUCHIDA  
4 United States Magistrate Judge  
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PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO ALLEGED  
VIOLATIONS OF SUPERVISED RELEASE - 3